

22 DAC

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

10/016,282

Filing Date

December 6, 2001

First Named Inventor

Thomas W. Konowalchuk

Group Art Unit

1617

Examiner Name

S. Hui

Total Number of Pages in This Submission

Attorney Docket Number

320-000130US

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Response
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Small Entity Statement
- ☐ Request for Refund

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Additional Enclosure(s) (please identify below):
 - Renewed Petition Under 37 C.F.R. 1.137(b)
 - Exhibit A
 - receipt acknowledgment postcard

Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Tom Hunter, Reg. No. 38,498,

Quine Intellectual Property Law Group P.C.

Signature

Date

August 17, 2006

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, DC 20231 on this date: August 17, 2006

Typed or printed name

Chianti Appling

Signature

Date

8/17/06

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4148). FEE TRANSMITTAL For FY 2005		Complete if Known Application Number: 10/016,282 Filing Date: December 6, 2001 First Named Inventor: Thomas W. Konowalchuk Examiner Name: S. Hui Art Unit: 1617 Attorney Docket No.: 320-000130US	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$)	130.00	

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☒ Other (please identify): Deposit Account

☒ Deposit Account Deposit Account Number: 50-0893 Deposit Account Name: Quine Intellectual Property Law Group, P.C.

For the above identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
$\text{HP} - 20 \text{ or HP} = \text{Extra Claims} \times \text{Fee} = \text{Fee Paid}$						

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
$\text{HP} - 3 \text{ or HP} = \text{Extra Claims} \times \text{Fee} = \text{Fee Paid}$			

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 27 CFR 1.16(s).

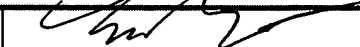
<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>(\$)</u>	<u>Fee Paid (\$)</u>
$\text{Total Sheets} - 100 = \text{Extra Sheets} / 50 = \text{Number of each additional 50 or fraction thereof} \times \text{Fee} = \text{Fee Paid}$				

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):		
Other: <u>Petition Fee</u>		<u>130.00</u>
Other:		
Other:		
Other:		
Other:		
Other:		

SUBMITTED BY

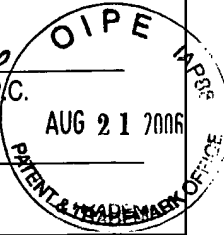
Signature		Registration No. (Attorney/Agent)	38,498	Telephone	510-769-3513
Name (Print/Type)	Tom Hunter			Date	8/17/06

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to: Commissioner for Patents
PO Box 1450, Alexandria, VA 22313-1450, on

August 17, 2006
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By: 

Chianti Appling



Atty Docket No: 320-000120US

Client Ref:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**THOMAS W. KONOWALCHUK and JACK
KONOWALCHUK**

Application No.: **10/016,282**

Filed: **12/06/2001**

For: **METHODS FOR PREVENTING
LESIONS CAUSED BY VIRUSES OF THE
HERPESVIRIDAE OR POXVIRIDAE
FAMILY**

Examiner: SAN MING R. HUI

Art Unit: 1617

Confirmation No: 4202

**RENEWED PETITION UNDER 37
C.F.R. §1.137(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is a Renewed Petition Under 37 C.F.R. §1.137(b) filed in response to a Decision on a Petition filed on 26 April 2006 (mailed on April 17, 2006) under 37 C.R.F. §1.137(b).

The following documents are enclosed herewith:

- 1) Exhibit A: Letter showing transfer of files to petitioner on December 13, 2004.

08/22/2006 NHGUYEN1 00000026 500093 10016282

01 FC:1464

130.00 DA

REMARKS

In the Decision mailed June 19, 2006, in response to the Petition Under 37 C.F.R. §1.137(b) mailed on April 17, 2006, the Examiner noted that the subject application went abandoned by operation of law after midnight 8 May, 2005 and a Notice of Abandonment was mailed on 21 September, 2005. On April 26, 2006 (mailed on April 17, 2006) Petitioner filed the petition with fee and made the reply in the form of an amendment and sought to make the statement of unintentional delay.

The Examiner alleged the Petitioner did not satisfy the "statement" of regulatory requirement under 37 C.F.R. §1.137(b) because petitioner was not attorney of record on the date of abandonment (8 May 2006).

Petitioner notes that the subject file was transferred to the Quine Intellectual Property Law Group, P.C. by Hogan & Hartson, L.L.P. on December 10, 2004 (*see*, Attached Exhibit A). **Thus petitioner was in possession of the subject application on the abandonment date of May 8, 2005.**

Moreover Petitioner is presently attorney of record (*see*, Change of Correspondence Address and Power of Attorney filed on April 18, 2006).

In addition, Petitioner notes that 37 C.F.R. §1.137(b) does not require that the "statement" be made by the attorney of record.

As Petitioner's firm was in possession of the present application on the abandonment date of 8, May 2005, Petitioner (the undersigned) is in a position to know and hereby states that: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. §1.137(b) was unintentional.

Petitioner further notes that a proper response in the form of an amendment was filed with the Petition Under 37 C.F.R. §1.137(b) mailed on April 17, 2006.

In the event that fees are required for this Renewed Petition, the Commissioner is to charge any additional fees that may be required, or to credit any overpayment to the Deposit Account Number 50-0893

App. No: **10/016,282**

Page 3

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3513.

QUINE INTELLECTUAL PROPERTY LAW
GROUP, P.C.
P.O. BOX 458
Alameda, CA 94501
Tel: 510 337-7871
Fax: 510 337-7877

Respectfully submitted,



Tom Hunter

Reg. No: 38,498

c:\toms work_prosecution - current\0320 life force\320-000120us\320-000120us.am0.doc

Exhibit A



HOGAN & HARTSON
L.L.P.

RECEIVED

DEC 13 2004

Quine Intellectual Property Law Group, P.C.

December 10, 2004

STUART T. LANGLEY
PARTNER
(720) 406-5335
SLANGLEY@HHLLAW.COM

VIA UPS

Mr. Tom Hunter

Quine Intellectual Property Law Group, P.C.

2033 Clement Ave., Suite 200

Alameda, CA 94501

1470 WALNUT STREET, SUITE 200
BOULDER, COLORADO 80302

TEL (720) 406-5300

FAX (720) 406-5301

WWW.HHLLAW.COM

Re: Life Force Technologies File Transfer

Dear Tom:

In accordance with instructions from Tom Konowalchuk, under separate cover we are shipping to you two boxes containing Life Force Technologies patent prosecution files. These two boxes include the US patent prosecution files as well as all PCT and foreign files.

To further assist you in identifying matters requiring attention now or in the future, enclosed is a copy of our patent status report for pending patent matters. The patent status report is intended to assist you, but we expect that you will be individually reviewing all of the patent files so as to identify all actions you believe are required. Nonetheless, without representing that the following list is complete, we bring to your attention the following matters requiring immediate attention.

Docket No.	Serial No.	Action	Date
LFT000	09/795,279	Response to provoke advisory action	12/20/04
LFT000	09/795,279	Final rejection due	1/20/05
LFT000 IND	01489/DELNP/2003	Corres. App. Info.	1/31/05
LFT000 ISRL	157596	IPER provided to agent	1/5/04

Please acknowledge receipt of these files by signing and dating below and returning a copy of this letter to me.

Sincerely,

Stuart T. Langley
of Hogan & Hartson L.L.P.

STL/gp

Enclosures

cc: Tom Konowalchuk

Received this _____ day of _____, 2004.

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By: _____

Title _____